

## **REMARKS**

### **I. Introduction**

Claims 9 to 11 and 14 to 20 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the previously-filed Information Disclosure Statement.

### **II. Rejections Raised Under 35 U.S.C. § 103(a)**

Claims 9, 10, and 14 to 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,028,531, and claim 11 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 7,028,531 and U.S. Patent No. 6,867,602. It is respectfully submitted that these rejections should be withdrawn for at least the reason that under 35 U.S.C. § 103(c), it is improper to rely upon U.S. Patent No. 7,028,531 in rejecting any claim of the present application under 35 U.S.C. § 103(a).

The present application is the national stage of PCT International Application No. PCT/EP04/03278, filed on **March 3, 2004**. U.S. Patent No. 7,028,531 issued on **April 18, 2006** and states that **November 27, 2002** is the § 371(c)(1), (2), (4) date (U.S. Patent No. 7,028,531 states that it is the national stage of PCT International Application No. PCT/EP01/01052, published as WO 01/58731, cited in the Supplemental Information Disclosure Statement submitted herewith). As such, U.S. Patent No. 7,028,531 constitutes prior art against the present application, if at all, “only under one or more of subsections (e), (f), and (g) of section 102.” Furthermore, the present application has been assigned to E+E ELEKTRONIK Ges.m.b.H. pursuant to an Assignment that was recorded in the records of the Office on October 3, 2006 at Reel 018358, Frame 0083. U.S. Patent No. 7,028,531 is assigned on its face to E+E ELEKTRONIK Ges.m.b.H. That is, the present application and U.S. Patent No. 7,028,531 were, at the time of invention of the present application, owned by E+E ELEKTRONIK Ges.m.b.H. As stated in M.P.E.P. § 706.02(l)(2), the foregoing “statement alone is sufficient evidence to disqualify

[U.S. Patent No. 7,028,531] from being used in a rejection under 35 U.S.C. § 103(a) against the claims of" the present application.

Furthermore, claim 9, for example, recites that a surface, having at least two contact areas, of a thin-film sensor faces **away from** a surface, having at least two contact pads, of a printed circuit board, with a conductive adhesive adhering to the contact areas of the thin-film sensor and the contact pads of the printed circuit board. Referring to, e.g., Figures 2a and 2b of U.S. Patent No. 7,028,531, it is apparent that contacts 12a, 12b are arranged between the bottom side of the sensor element 12 and the top side of the support plate 11. That is, these contacts 12a, 12b are arranged on sides of the sensor element 12 and the support plate that face **toward**-- as opposed to **away from** -- each other. Thus, it is respectfully submitted that U.S. Patent No. 7,028,531 does not render unpatentable claims 9, 10, and 14 to 20 for this additional reason.

U.S. Patent No. 6,867,602 does not cure this deficiency of U.S. Patent No. 7,028,531. As such, the combination of U.S. Patent No. 7,028,531 and U.S. Patent No. 6,867,602 does not render unpatentable claim for this additional reason.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

### III. **Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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